

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: January 31, 2005

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Elaine Lucas-Town Counsel,
Audience Members

Open Forum

Romeo reported that Paul Murray asked him to announce the passing of William "Bill" Bryant, former member of the Recreation Commission.

Selectmen to Finalize East Boston Camps Conservation Restriction

Lucas referenced an e-mail from Elaine Major, Water Department, with the following suggested changes to the Conservation Restriction (CR):

Change the wording of the last paragraph on page 2 by adding language "**30% of the residents use private wells**". It was the consensus of the Board to not add the additional language.

Change the first sentence on page 3: ...located just upstream from the **two** municipal supply wells. (Change eight to two).

Change #9 on page 4: Delete **established preventative** and add ...integrated pest management plan, **specific for the premises**...

Change #2 on page 6: 11th line - substitute **that** for **an** integrated pest management...

Change #11 on page 8: delete **hydrobiologist or similarly** ...qualified scientist.

Romeo suggested a provision that in the event the Grantor seeks redress from the Grantee; the Grantee agrees to go into mediation prior to litigation. The Board concurred. Douglas Deschenes, Westford Land Preservation Foundation, agreed with the provision. Deschenes stated that if someone takes action against the Grantee, the cost of the defense will be an issue. There was a discussion regarding annual monitoring costs, liability insurance and a memorandum of understanding between the Town and the Grantee. Leslie Thomas, Water Department, felt that there should be some mention of raising funds for future expenditures by the Grantee to monitor the CR. Silva suggested a separate memorandum of understanding between the Grantor and the Grantee. Deschenes agreed.

Andrea Peraner-Sweet, Affordable Housing Committee and Planning Board, suggested a mediation component be added to Section V (1) on page 10. It was the consensus of the Board to leave the section unchanged.

Romeo deleted the following from Section V. (b) Response of Grantee, third paragraph – **and the Grantor provides, if requested by the Grantee, additional information.**

Khumalo read an e-mail from Bill Turner, Conservation Administrator, with the following suggested changes:

CAMP USES AND ACTIVITIES: 12. Delete **With prior notice to and approval of the Grantee through the notice and approval process defined in Section V,**

Silva asked to revise Section V. (b) second paragraph on page 10 by deleting **may** and adding **shall**. **It was moved by Silva, seconded by Romeo, and VOTED 1 IN FAVOR (Silva) WITH 4 OPPOSED (Jefferies, Healy-Coffin, Romeo and Loiselle), to make the change to Section V.** The motion failed. The section was unchanged.

Loiselle asked to add to #10 on page 4: **To allow for the use of temporary portable toilets or an alternative disposal system under certain circumstances.**

Romeo asked for the following changes:

The acreage cited on page 2 be consistent with the acreage cited on page 1 (**286.78**).

Page 4, #11 delete **and**; substitute **or**...

Page 6, #2 delete **organically based**...

Page 12, Section VII, delete #4.

Bob Shaffer, Community Preservation Committee, asked to change #6 on page 4 by adding **...or its agents**.

It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the Conservation Restriction as amended here tonight.

Selectmen and Finance Committee to Take Positions on Special Town Meeting Warrant Articles

Article 1: Community Preservation Funds Appropriation

Ingrid Nilsson, Community Preservation Committee, reported that the CPC voted on Tuesday, January 25, 2005, to support the East Boston Camps project contingent upon an acceptable Conservation Restriction. Nilsson read the following draft motion:

That the town vote to authorize the Board of Selectmen to purchase for the sum of \$13,500,000.00 a parcel of land known as East Boston Camps, described as Assessors Map 31-37, 35-32, (together to be referred to as Parcel A), and Assessors Map 36-8, (to be referred to as Parcel B), and _____ consisting of approximately 298 acres under the Community Preservation Act (MGL 44B) for the following purposes:

- a. Acquisition, creation and preservation of open space;
- b. Acquisition, creation and preservation of land for water resource protection and for a potential drinking water source;
- c. Acquisition, creation and preservation of land for recreational and outdoor/environmental education;
- d. Acquisition and preservation of historic resources;
- e. Rehabilitation or restoration of such open space, land for recreational use and historic resources,

and that the Town appropriate the sum of \$13,500,000 and to meet this appropriation as follows: transfer \$1,031,000 from the Community Preservation Fund Open Space Reserve, and transfer \$1,439,000 from the Community Preservation Fund Undesignated Fund balance and further to authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$11,150,000 and to issue any bonds or notes that may be necessary for that purpose, as authorized by Massachusetts General Laws Chapter 44B Section 11, or any other enabling legislation for a period not to exceed 20 years.

And that a detailed Master Plan for Parcel A be prepared by the East Boston Camps Master Planning Committee for presentation to and approval by a future Town Meeting, consistent with the above stated uses, and with the Conservation Restriction as approved and/or amended by EOEA. The East Boston Camps Master Plan shall contain a detailed plan for the implementation of the land allocation and management of the property, as well as a recommendation for the permanent care and custody.

For Parcel A, only activities consistent with the current uses of the property, such as hiking, walking, skiing, summer camps, and the 5th Grade Camp, will be allowed until Town Meeting approves the East Boston Camps Master Plan. All uses, both before and after the East Boston Camps Master Planning process, must be consistent with the Conservation Restriction and the Community Preservation Act.

Parcel B is to be set aside for the construction of recreational fields under the direction of the Parks and Recreation Commission. Fields will be constructed in such a way as to cause minimal negative impact on both the sensitive natural environment of this parcel of land and the neighborhood. Further, if it is not possible to construct fields, then responsibility for the determination of use of Parcel B shall go to the East Boston Camps Master Planning Committee with subsequent approval of a future Town Meeting. All uses must be consistent with the Conservation Restriction and the Community Preservation Act.

And to authorize the Board of Selectmen to enter into all contracts needed to facilitate the purchase of the premises and to convey a conservation restriction on the premises to a qualified non-profit entity.

And to recognize the over \$500,000 in private donations from Westford residents and friends towards the purchase of East Boston Camps.

Kelly Ross, Chairman of the Finance Committee, reported that the Finance Committee voted to support Article 1.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support Article 1.

Article 2: 52 Beaver Brook Road – Citizen Petition

It was moved by Loisel, seconded by Silva for discussion, to not support Article 2.

Ellen Harde, Town Moderator, referenced her letter dated January 25, 2005 to the Board of Selectmen and the Affordable Housing Committee regarding what can and cannot be discussed at town meeting given the scope of Article 2. Silva noted that Article 2 is non-binding. Silva wanted to see what happens at town meeting. Loisel stated that town meeting's judgment will weigh in along with other factors. Loisel did not want to come out before town meeting and say what the Board is going to do. Loisel pointed out that the town is currently in litigation regarding this matter and that there are other considerations that might be in the best interests of the town and that those would be part of his decision. Romeo stated that he would support the will of town meeting. Healy-Coffin was surprised that Harde wanted the Board's opinion before hearing the petitioners' input. Healy-Coffin stated that as elected members of the Board of Selectmen, they need to have an open mind. Healy-Coffin pointed out that the Board is privy to executive session discussions that town meeting does not know. Healy-Coffin stated that she could not say whether she was voting one way or another at this point. Healy-Coffin felt that it would set a bad precedent by saying the petition article is binding. Healy-Coffin stated that there is a great deal of misinformation out in the public. Healy-Coffin indicated that she would take a close look at what town meeting has to say. Jefferies stated that there are a number of variables right now and a binding resolution would make it impossible to follow.

VOTE ON LOISEL'S MOTION: 3 IN FAVOR (Loisel, Silva, Romeo) and 2 ABSTAINING (Jefferies, Healy-Coffin). The motion passed.

Kelly Ross, Chairman of the Finance Committee, stated that the Finance Committee voted to support Article 2 based on the financial aspects of the article. Ross noted that the Finance Committee does not know the legal costs, the details of the offer to Mrs. Labbe or the outcome of the legal case.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:00 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman

